

## **ARTICLE TWENTY-EIGHT AMENDMENTS**

### **SECTION 2800            AMENDMENTS**

Any person affected by this Ordinance may submit a petition in writing to the secretary of the Planning Commission requesting that consideration be given to amendments to this Ordinance in the particulars set forth in the petition. The Planning Commission shall hold a meeting to consider said petition in accordance Section 202 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended). [Annotation: this paragraph was changed to reflect the Michigan Zoning Enabling Act by Amendment 07-22, effective 5/29/07]

### **SECTION 2801            REZONING AGREEMENTS**

- A. Any interested property owner may voluntarily offer in writing, and the City may approve, certain uses and/or development of the land or other activities as a condition to a rezoning of the land.
- B. Application Procedure.
  - 1. If the applicant wishes to submit an offer of conditions or restrictions along with a petition to rezone land, the applicant shall do so in writing. Proposed restrictions shall be stated clearly, as determined by the Zoning Administrator. The offer of conditions or restrictions shall be received with the application to rezone the land, except as provided in subparagraph 4 hereof.
  - 2. The applicant may request a pre-application meeting, in which the Zoning Administrator and other City officials may identify concerns reasonably related to the rezoning request. The City shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning or shall the presentation of an offer of conditions or restrictions create any obligation on the part of the City to rezone any land.
  - 3. The City of Manistee shall not add to, alter, or augment the offer of conditions or restrictions.
  - 4. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the City time to consider the offer; and if an offer of conditions is proposed at a City Council meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration.
  - 5. The Planning Commission or City Council may table a request to give residents of the City of Manistee more time to fully understand the offer of conditions.

C. Standards for Approval.

1. When reviewing a rezoning request and an offer of conditions or restrictions, the City may consider, but shall not be limited to; future land use recommendations in the Master Plan; goals and objectives in the Master Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents,
2. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or ordinances promulgated by, or applicable in, the City of Manistee.
3. When considering an offer of conditions or restrictions, the City determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of Agreement, Reversion and Extensions.

1. In approving the conditions, the City may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3 hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph 4 hereof.
2. The City shall not add to or alter the approved conditions during the time period specified under subparagraph 1.
3. The time period specified under subparagraph 1 may be extended upon the application of the property owner and approval of the City.
  - a. The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and his recommendation on the request to the Planning Commission. The written request shall include reasons why the extension is being solicited.
  - b. Upon recommendation of the Planning Commission, the City Council may extend the time period specified under subparagraph 1. If the extension is approved, if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph 4.
4. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. At a public hearing, the Planning Commission shall establish that the applicant has failed to satisfy the approved conditions, shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such, and shall rezone the land back to its former zoning classification.

E. Coordination and Performance Bonds.

1. Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the Planning Commission prior to final approval of the rezoning and offer of conditions:
  - a. A construction schedule.
  - b. Costs and obligations.
  - c. Responsible parties for obtaining permits.
  - d. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.
2. The City may require submission of performance bonds or similar tools as part of the agreement or approval.

F. Notices.

1. Rezoning of land for an individual property of 10 or fewer adjacent properties shall require notice of public hearing. The administrator shall notify the following persons, not less than 15 days before the date that the application will be considered:
  - a. The applicant.
  - b. The owner of the property, if different.
  - c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
  - d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
  - e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:
    - 1) The Nature of the Rezoning request and the offer of conditions.
    - 2) The property(ies) for which the request has been made.
    - 3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Special Use. (Street addresses do not need to be created and listed if no such addresses currently exists within the property. If there are no street addresses, other means of identification may be used).
    - 4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
    - 5) The date, time and location of when the public hearing will take place.
    - 6) The address where written comments will be directed prior to the consideration.

2. Rezoning of land for 11 or more adjacent properties shall require notice of public hearing. The administrator shall notify the following persons not less than 15 days before the date that the application will be considered:
  - a. The applicant.
  - b. The owner of the property, if different.
  - c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
  - d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
  - e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:
    - 1) The Nature of the Rezoning request and the offer of conditions.
    - 2) The property(ies) for which the request has been made.
    - 3) The location where the application documents can be viewed and copied prior to the date the application will be considered.
    - 4) The date, time and location of when the public hearing will take place.
    - 5) The address where written comments will be directed prior to the consideration.

[Annotation: This section was changed to meet the noticing requirements of the Michigan Zoning Enabling Act by Amendment 07-22, effective 5/29/07]

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#### **Amendments to the City of Manistee Zoning Ordinance**

The following is a brief synopsis of Ordinance Amendments that were adopted by City Council May 15, 2007 and take effect on May 29, 2007

**ORD#**

- 07-05 Provides a definition for "Ordinary High Water Mark" that is consistent throughout the ordinance.
- 07-06 Provides single family homes in the C-2 & C-3 Zoning District the rights of being a legal non-conformity. Without this language they could not put on an addition or have a home occupation.
- 07-07 Deleted Decks in the waterfront set-back. A developer interpreted this language as allowing an attached deck on a primary structure being able to encroach into the waterfront set-back. This eliminates the confusion.

- 07-08 This appeared to be a clerical error that was not caught when the ordinance was adopted.
- 07-09 This re-instates language that was in the old ordinance requiring for new Dwelling, Single Units to have a minimum 4/12 roof pitch. This is similar to the language we had in the old ordinance but does not effect additions.
- 07-10 Deletes Mine, Sand and Gravel in the Light Industrial District.
- 07-11 Changes Wells, Extraction in the General Industrial District from a Special Use to a Use by right.
- 07-12 Developed to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act.
- 07-13 Corrects the number of Billboard faces from "10" to "19" and [annotate how number was established].
- 07-14 Allows a 4 square foot Sign for Minor Home Occupations.
- 07-15 Developed to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act.
- 07-16 Developed language for certification purposes. Adds the word "principal" to read...1.5 x principal building width (Cumulative Sign Area of Chart).
- 07-17 Is less restrictive by deleting Site Plan Review and replacing the language with Special Uses.
- 07-18 Adds Future Development Site Signs that have received zoning approval to the list of exempt signs. And deletes the size restriction language for political signs.
- 07-19 Moves Signs for Golf Courses and Nursing and Convalescent Homes to less restrictive table of uses (allows more signage that they originally were allowed).
- 07-20 Allows a surveyor to prepare a site plan. Removes a "Planner" from the list of people who can prepare a detailed site plan.
- 07-21 Amends Article 25 Zoning Board of Appeals to reflect changes under the new Michigan Zoning Enabling Act.
- 07-22 Amends Article 28 Amendments to reflect changes under the new Michigan Zoning Enabling Act.
- 07-23 Changes the language to give the Historic District Commission more flexibility for signage in the Historic District.

- 07-24 Allows signage on water front side of properties with water frontage.
- 07-25 Deletes the size restrictions for wall signs.
- 07-27 Changes the Official Zoning Map to reflect that parcels #51-51-211-128-01, #51-51-211-200-01 and #51-51-268-701-01 are Re-zoned from R-2 Medium Density Residential to W-F Waterfront as part of an Order of the Manistee County Circuit Court

The following is a brief synopsis of Ordinance Amendments that were adopted by City Council December 4, 2007 and took effect on December 14, 2007 and Amendments that were adopted by City Council on February 19, 2008 and took effect on February 29, 2008.

ORD#

- 07-29 Adds Medical or Dental Office as a Use by Right in the LI – Light Industrial District.
- 08-01 Changes the Definition of “Accessory Use” in Section 202 A and Section 1805 Accessory Uses, Related to Uses Permitted
- 08-02 Changes the Definition of “Parking Facility” in Section 217 P, Adds Parking Facility as a Special Use in the R-2, R-3, C-2 & G-I Zoning Districts and Amends Section 1865 Parking Facility
- 08-03 Changes the Definition of “Adaptive Reuse” in Section 202.A, Deletes Adaptive Reuse as a Special Use in the R-4 & G-I Zoning Districts and Amends Section 1807 Adaptive Reuse.
- 08-04 Amends Section 2018, Use Type 3 relating to Ground Mount Signs
- 08-05 Amends Article 12 Waterfront District, Section 1200 Purpose and Intent AMEND the language to read “...on or near the waterfront.” in the first sentence.
- 08-06 Amend Section 217 P to correct the Definition of “Place of Public Assembly Large” and “Place of Public Assembly, Small”.

The following is a brief synopsis of an Ordinance Amendment that was adopted by City Council December 2, 2008 and took effect on December 11, 2008.

ORD#

- 08-08 Adds the Definition of “Windmill, Accessory” in Section 224 W in Article 2 Definitions.

Adds Section 515.G Windmill, Accessory, to Section 515 Accessory Buildings and Structures to Article 5 General Provisions.

Adds Windmill, Accessory to City of Manistee – Table of Uses; Table 7-2 Uses Permitted by Right and Special Land Use Permit.

Adds Windmill, Accessory to Article 16 LI – Light Industrial, Section 1601 Uses Permitted by Right, Adding item S, changes were made to tables also.

Adds Windmill, Accessory to Article 17 GI – General Industrial, Section 1701 Uses Permitted by Right, Adding item P, changes were made to tables also.

The following is a brief synopsis of an Ordinance Amendment that was adopted by City Council October 19, 2010 and took effect on October 30, 2010

ORD#

Z10-01 Changes Duplex from Permitted Use to Special Use in the R-2, R-3 and W-F Zoning Districts

Changes made to Section 7-2 Uses Permitted by Right and Special Land Use Permit Table

Changes Duplex from Permitted Use to Special Use in the Article 9: R-2 Medium Density Residential Section 900 Purpose and Intent; Deletes Duplex from Section 901 Uses Permitted by Right; Adds Duplex to Section 902 Uses Permitted by Special Land Use Permit

Changes Duplex from Permitted Use to Special Use in the Article 10: R-3 High Density Residential Section 1000 Purpose and Intent; Deletes Duplex from Section 1001 Uses Permitted by Right; Adds Duplex to Section 1002 Uses Permitted by Special Land Use Permit

Changes Duplex from Permitted Use to Special Use in the Article 12: W-F Waterfront District Section 1200 Purpose and Intent; Deletes Duplex from Section 1201 Uses Permitted by Right; Adds Duplex to Section 1202 Uses Permitted by Special Land Use Permit

Z10-02 Adds Bed & Breakfast as a Special Use in the C-2 Neighborhood Commercial Zoning Districts

Change made to Section 7-2 Uses Permitted by Right and Special Land Use Permit Table

Adds Bed & Breakfast as a Special Use in Article 14: C-2 Neighborhood Commercial District Section 1400 Purpose and Intent; Adds Bed & Breakfast to Section 1402 Uses Permitted by Special Land Use Permit

Article 18: Special Uses Section 1813 Bed and breakfast, Item B Purpose and Intent, Item h be amended by adding “Within the **C-2**, C-3 Districts – 6 sleeping rooms”

Z10-03 Language developed by Planner of Record – Williams and Works for Condominiums

Changes to Article 2 Definitions, Section 204 C: Add definition of Common Elements; add definition of Condominium Unit, add definition of Condominium Act; add definition of Condominium Conversion; add definition of Condominium Subdivision Plan; delete definition of Condominium

Section 208 G – Add definition of General Common Elements

Section 213 L – Add definition of Limited Common Elements

Section 220 S – Add definition of Site Condominium; add definition of Site Condominium Unit

Article 4: Nonconformities, Section 401 Regulations add Item **B** ***“Nonconforming Condominium. A nonconforming developed or undeveloped parcel shall not be converted to a condominium, except in conformance with this Ordinance.”***

Article 5: General Provisions, Section 514 Vehicular Parking Space, Access and Lighting, Item F be amended to read ***“For all permitted uses and special uses in the C-3 District, the parking provisions of this section shall not apply, except to hotels, motels, and residential use condominiums.”***

Article 5: General Provisions, add Section 533 Condominiums

#### Z10-04 Language that provides for a Medium Site Plan Review

Article 5: General Provisions, Section 515 Accessory Buildings and Structures, Item G.6 amended to read: “A medium site plan shall be required and reviewed by the **Site Plan Review Committee** per section 2201.B.

Article 22 Site Plan Review, Section 2201 Scope, be amended, Basic Site Plan language amended, Medium Site Plan language added, Detailed Site Plan language amended.

Article 22: Site Plan Review, Section 2203 Application Procedure, be amended by adding “medium”.

Article 22: Site Plan Review, Section 2203 Application Procedure Item C, Basic Site Plan language changed to be the same as in Section 2201 Scope.

Article 22: Site Plan Review, Section 2203 Application Procedure Item D, add Medium Site Plan language

Article 22: Site Plan Review, Section 2203 Application Procedure Item E, Detailed Site Plan language changed to be the same as in Section 2201 Scope

Article 22: Site Plan Review, Section 2204 Action on Application and Site Plans, Item A, be amended to include medium site plan



Article 22: Site Plan Review, Section 2204 Action on Application and Site Plans, Item F, be amended change "shall" to "may"

Article 22: Site Plan Review, Section 2208 Amendment to the Site plan, be amended to reflect the addition of a medium site plan.

Z10-06 Established G-C Golf Course District for the Golf Course Property and removed it from the R-1 Low Density Residential District

Article 2: Definitions, Section 208 G definition of Golf Course add banquet facility to definition

Article 2: Definitions, Section S add definition of "Sand Excavation"

MOVED Article 7: Districts, Dimensional Standards, Use Table and Zoning Map to Article 3 and amended as follows:

Changed G-C property from R-1 to G-C

Amended Table 3-1 - added G-C Golf Course to standards to table

Amended Table 3-2 – Added Sand Excavation to list of Uses; deleted G-C as a Special Use in the R-1 District, Added G-C to the list of Districts and added the following Uses: Accessory Bldg. ≤ footprint principal structure - R (Use by Right); Accessory Bldg. > footprint principal structure - SLU (Use Permitted as Special Land Use); Accessory Uses, Related to uses permitted - R/SLU; Dwelling, Single Unit - R; Eating and Drinking Establishment - R; Golf Course - R; Home Occupation, Minor - R; Mixed-Use Development - SLU; Outdoor Recreation, Park - R; Planned Unit Development - SLU; Sand Excavation - R; Subdivision, Plat or Condo. (of permitted uses) - R; Uses similar to uses permitted by right or as Special Land Uses - R/SLU; Wells, Extraction - SLU

Changed Article 7 from: Dimensional Standards, Use Table and Zoning Map to G-C Golf Course District

Article 8: Low Density Residential Deleted Golf Course as a Special Use in Section 800 Purpose and Intent and Section 803 Uses Permitted by Special Land Use

Article 18: Special Uses, Section 1843 Golf Course Amend Definition of Golf Course to include "banquet facility"

Article 21: Signs - amend Section 2106, Use Type 1, Low Intensity Residential by adding G-C to Table of Uses; amend Section 2107, Use Type 2, Residential and Residential Commercial by adding G-C to Table of Uses; amend Section 2108, Use Type 3, Commercial and Office by adding G-C to Table of Uses, ADD Golf Course to Examples of Uses and providing new regulations for G-C District; amend Section 2109, Use Type 4, Institutional and Outdoor Recreation by deleting Golf Course from Examples of Uses; amend Section 2110, Use Type 5, Industrial by adding G-C to Table of Uses

Z10-07 Amend Article 21: Signs – changes include more signage, eliminates references, defines storefront

Article 2 Definitions: amends Section 220 D by adding Definition for Storefront and Section 220 D SIGN amends Definition of Item G Electronic Sign

Article 21: Signs: amend Section 2101 Procedures, Item A; amend Section 2102 General Standards, Item A.7; amend Section 2102 General Standards, Item F, amend Section 2103 Exempt Signs, Item K; add Section 2103 Exempt Signs, Item M; amend Section 2104 Prohibited Signs, Item G.7; amend Section 2106, Use Type 1, Low Intensity and Residential; delete Section 2107, Use Type 2, Residential and Residential Commercial; amend Section 2108, Use Type 3 Commercial and Office; delete Section 2108, Use Type 4, Institutional and Outdoor Recreational; amend Section 2110 Use Type 5, Industrial; amend Section 2112 Temporary Portable Signs, Item A

The following is a brief synopsis of an Ordinance Amendment that was adopted by City Council September 6, 2011 and took effect on September 25, 2011

Z11-06 Amended Ordinance to permit a Community Garden in all Zoning Districts.

Article 2: Definitions & Interpretation - ADD Section 204 C - Community Garden

Article 3: Districts, Dimensional Standards Uses Table and Zoning Map - ADD Table 3-2 Uses Permitted by Right and Special Land Use Permit Community Garden – Use by Right in all Districts

Article 5: General Provisions - ADD - SECTION 534 Community Gardens

Article 7: G-C Golf Course District - Section 700 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 701 Uses Permitted by Right - ADD Item C. Community Garden

Article 8: R-1 Low Density Residential - Section 800 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 801 Uses Permitted by Right - ADD Item C. Community Garden

Article 9: R-2 Medium Density Residential - Section 900 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 901 Uses Permitted by Right - ADD Item C. Community Garden

Article 10: High Density Residential - Section 1000 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1001 Uses Permitted by Right - ADD Item C. Community Garden

Article 11: R-4 Manufactured Housing Community District - Section 1100 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1101 Uses Permitted by Right - ADD Item C. Community Garden

Article 12: W-F Waterfront District - Section 1200 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1201 Uses Permitted by Right - ADD Item C. Community Garden

Article 13: C-1 Regional Commercial District - Section 1300 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1301 Uses Permitted by Right - ADD Item C. Community Garden

Article 14: C-2 Neighborhood Commercial District - Section 1400 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1401 Uses Permitted by Right - ADD Item C. Community Garden

Article 15: C-3 Central Business District - Section 1500 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1501 Uses Permitted by Right - ADD Item C. Community Garden

Article 16: L-I Light Industrial District - Section 1600 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1601 Uses Permitted by Right - ADD Item E. Community Garden

Article 17: G-I General Industrial District - Section 1700 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1701 Uses Permitted by Right - ADD Item D. Community Garden

Article 21 – Signs - ADD - Section 2103 Exempt Signs, Item N.

The following is a brief synopsis of Ordinance Amendments Z11-08 adopted by City Council on December 20, 2011 and took effect on December 28, 2011.

Article 2: Definitions & Interpretation - AMEND Section 224 W – Wind Energy Conversion System, Accessory

Article 3: Districts, Dimensional Standards Uses Table and Zoning Map - Table 3-2 Uses Permitted by Right and Special Land Use Permit; Amend by CHANGING Windmill, Accessory to Wind Energy Conversion System, Accessory and allowing it as a Use by Right in all Districts

Article 5: General Provisions - SECTION 515 Accessory Buildings and Structures - AMEND Item G; Amend by CHANGING Windmill, Accessory to Wind Energy Conversion System, Accessory

Article 7: G-C Golf Course District - Section 700 Purpose and Intent Permitted Uses - ADD Wind energy conversion system, Accessory as a Permitted Use; and Section 701 Uses Permitted by Right - ADD Item L. Wind Energy Conversion System, Accessory

Article 8: R-1 Low Density Residential - Section 800 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 801 Uses Permitted by Right - ADD Item I. Wind Energy Conversion System, Accessory

Article 9: R-2 Medium Density Residential - Section 900 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 901 Uses Permitted by Right - ADD Item I. Wind Energy Conversion System, Accessory

Article 10: High Density Residential - Section 1000 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1001 Uses Permitted by Right - ADD Item J. Wind Energy Conversion System, Accessory

Article 11: R-4 Manufactured Housing Community District - Section 1100 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1101 Uses Permitted by Right - ADD Item L. Wind Energy Conversion System, Accessory

Article 12: W-F Waterfront District - Section 1200 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1201 Uses Permitted by Right - ADD Item P. Wind Energy Conversion System, Accessory

Article 13: C-1 Regional Commercial District - Section 1300 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1301 Uses Permitted by Right - ADD Item Z. Wind Energy Conversion System, Accessory

Article 14: C-2 Neighborhood Commercial District - Section 1400 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1401 Uses Permitted by Right - ADD Item S. Wind Energy Conversion System, Accessory

Article 15: C-3 Central Business District - Section 1500 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1501 Uses Permitted by Right - ADD Item V. Wind Energy Conversion System, Accessory

Article 16: L-I Light Industrial District - Section 1600 Purpose and Intent – AMEND, Permitted Use by changing Windmill, Accessory to Wind Energy Conversion System, Accessory; and Section 1601 Uses Permitted by Right – AMEND Item T. by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

Article 17: G-I General Industrial District - Section 1700 Purpose and Intent – AMEND, Permitted Use by changing Windmill, Accessory to Wind Energy Conversion System, Accessory; and Section 1701 Uses Permitted by Right – AMEND Item Q. by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

The following is a brief synopsis of Ordinance Amendment Z11-09 adopted by City Council on January 17, 2012 and took effect on January 28, 2012.

As per Zoning Amendment Request from Faith Covenant Church Article 18: Standards and Requirements for Special Uses, Section B. Regulations and Conditions, Item 1. Large Places of Public Assembly, a. was amended to read:

a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, ***unless it is located on a parcel of land with a minimum area of five (5) acres.***

The following is a brief synopsis of Ordinance Amendment Z12-01 adopted by City Council on June 5, 2012 and took effect on June 19, 2012.

Z12-01 Rezoned the W-F District south of the Manistee River Channel to P-D Peninsula District and amended the definition of Marina to include "Communication Towers" as follows:

Article 2: Definitions and Interpretation Amend Section 214 M – Marina and Article 18 Standards and Requirements for Special Uses Amend Section 1852.A to read:

MARINA: A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include a **communication tower**, eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

Amend Article 3: Districts, Dimensional Standards Uses Table and Zoning Map to include P-D Peninsula District as follows:

ADDED P-D Peninsula District to Section 300.B

AMENDED Official Zoning Map

Amended Table 3-1 – Added P-D Peninsula standards to table

Amended Table 3-2 – Added P-D to the list of Districts and added the following Uses: Accessory bldg. with a footprint less than the principal structure –R, Accessory Bldg. with a footprint greater than the principal structure –SLU, Accessory Uses, Related to uses permitted R/SLU, Adaptive Reuse – SLU, Bed & Breakfast – SLU, Community Garden – R, Convenience Store, w/o fuel pumps SLU, Day Care, Commercial – SLU, Duplex – SLU, Dwelling – Multiple Unit – SLU, Dwelling – Single Unit – R, Eating and Drinking Establishment – SLU, Financial Institution SLU\*, Gallery or Museum – R, Home Based Business – SLU, Home Occupation, Minor – R, Home Occupation, Major – SLU, Hotel – SLU, Marina – SLU, Mixed-Use Development – SLU, Motel – SLU\*, Outdoor Recreation, Park – R, Parking Facility – SLU, Personal Service Establishment – R, Place of Public Assembly – Large SLU\*, Place of Public Assembly – Small - SLU, Planned Unit Development – SLU, Professional Office – R, Professional Service Establishment – R, Retail Business - R, Studio for Performing & Graphic Arts – SLU, Subdivision, Plat or Condo. (of permitted uses) – R, Theater – SLU\*, Uses similar to uses permitted by right or as special land uses – R/SLU, Wind Energy Conversion System, Accessory Subject to Section 515.G - R

ADD Article 6: P-D Peninsula District

The following is a brief synopsis of Ordinance Amendment Z12-04 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Amends Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks. Changes include establishing a maximum number of parking spaces; reduces the number of parking spaces for multi-family units; changes the number of spaces for Hospitals, Nursing and Personal Care Facilities, Medical Clinics and Medical and Dental Offices, and Industrial and Warehouses; requires pedestrian walkways for parking lots with 10 or more spaces; establishes a 5 foot buffer (front property line); establishes Bike Parking for some uses; requires the installation of sidewalks in some districts for certain uses.

The following is a brief synopsis of Ordinance Amendment Z12-06 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Amends 1813 Bed and Breakfast by deleting item B.1.h which established the number of sleeping rooms by Zoning District.

The following is a brief synopsis of Ordinance Amendment Z12-07 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Amends Article 2 – Definitions and Interpretation, Section O – Add Definition for OUTDOOR PLAYSET

Amends Article 2 – Definitions and Interpretation, Section P – Add Definition for PORCH

Article 5 – General Provisions, Amend Section 502 Uses Spatial and Physical Requirements Item D. (proposed changes included allowing porches and decks to be constructed no closer than 3 feet from the front yard property line while maintaining clear vision areas; Outdoor Playsets are allowed in the side and rear yard no closer than 3 feet to the property line and do not require a permit).

The following is a brief synopsis of Ordinance Amendment Z12-08 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Staff discovered in August 2012 that an oversight had occurred that did not carry the PD standards to Sections of Article 5 General Provisions, Article 18 Standards and Requirements for Special Uses and Article 21 Signs in the previous amendment. Ordinance Amendment Z12-08 includes the omitted standards for properties in the PD that were omitted when the district was established.

Article 5: General Provisions, ADD P-D to Section 505 Water Protection, Item B

Article 5: General Provisions, ADD P-D to Section 511 Driveways and Curb Cuts, Item A

Article 5: General Provisions, ADD P-D to Section 515 Accessory Buildings and Structures, Item G.3.a

Article 18: Standards and Requirements for Special Uses, ADD P-D to Section 1807 Adaptive Reuse, Item C.2

Article 18: Standards and Requirements for Special Uses, ADD P-D to Section 1861 Motel, Item B.10

Article 21 – Signs, ADD – P-D to Section 2102.A.7.a

Article 21 – Signs, ADD – P-D to Section 2102.A.7.b

Article 21 – Signs, ADD – P-D to Section 2102.A.7.c

Article 21 – Signs, ADD – P-D to Section 2103.H

Article 21 – Signs, ADD – P-D to Section 2106 Use Type 1, Low Intensity and Residential

Article 21 – Signs, ADD – P-D to Section 2007 Use Type 2, Commercial and Office

Article 21 – Signs, ADD – P-D to Section 2018 Use Type 3, Industrial

Z12-09 – On January 2, 2013 City Council adopted Ordinance Amendment that took effect on January 16, 2013 to Amended Article 25 Zoning Board of Appeals, Amended Section 2501 last sentence of Paragraph 3 which read: *With approval of Council, the Mayor shall appoint at least two (2) alternate members, who shall serve for three (3) years.* to read as follows: *...Council, by a majority vote of the members serving, may appoint up to two (2) alternate members, who shall serve for three (3) years.*

On May 9, 2013 the Zoning Board of Appeals interpreted the Zoning Ordinance and determined since a Large Place of Public Assembly which is located on a parcel of land with a minimum area of five (5) acres does not need to front on or be accessed primarily from a key street segment, if that Large Place of Public Assembly were to include an Eating and Drinking Establishment as an accessory use, and is located in the R-2 or R-3 districts, it would not need to front on or be accessed from a key street segment.

The following is a brief synopsis of Ordinance Amendment Z15-04 adopted by City Council on July 7, 2015 and took effect on July 14, 2015.

Article 3: Districts, Dimensional Standards Uses Table and Zoning Map; amended Table 3-1 City of Manistee Schedule of Regulations- P-D Peninsula District (which removed larger requirements for Duplex or Commercial and Multi-Units) ; amended Table 3-2 Uses Permitted by Right and Special Land Use Permit – PD Peninsula District (Contractors Facility and Wholesale Facility were added as a permitted use, Eating and Drinking Establishment and Mixed Use Development were changed from a special use to permitted use, Animal Grooming and Greenhouse and Nursery were added as a special use, Financial Institution was changed from a special use requiring key street frontage to a special use, Motel, Places of Public Assembly Large and Theater were deleted as uses in the district.)

Article 5: General Provisions; amended Section 511 Driveways and Curb Cuts, Item B (added G-C); Add new item G to Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks; Amended Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item I by adding P-D.

Article 6: Peninsula District; AMEND Section 600 Purpose and Intent added “mixed use”, amended Section 601 Uses Permitted by Right(Contractors Facility and Wholesale Facility were added as a permitted use, Eating and Drinking Establishment and Mixed Use Development were changed from a special use to permitted use); amended Section 602 Uses Permitted by Special Land Use (Animal Grooming and Greenhouse and Nursery were added as a special use, Financial Institution was changed from a special use requiring key street frontage to a special use); deleted Section 603 Uses Permitted by Special Land Use Permit, Requires Frontage on a Key Street Segment (Motel, Places of Public Assembly Large and Theater were deleted as uses in the district); amended Section 604 Dimensional Standards (parcel area and parcel width requirements for duplex or commercial and multi-units were deleted); DELETE Section 605 Peninsula District Renaissance Zone Standards (the Renaissance Zone expired)

Article 12: Waterfront District; deleted Section 1205 Waterfront Renaissance Zone Standards (the Renaissance Zone expired)

Article 21: Signs; Table 2100-1 – Use Types and Sign Standards amended Section 2107 Use Type 2, Commercial and Office (PD was moved to C-1, C-2 & C-3 not fronting on US-31)

The following is a brief synopsis of Ordinance Amendment Z15-05 adopted by City Council on July 7, 2015 and took effect on July 14, 2015 that provides for green infrastructure standards.

Article 2: Definitions and Interpretation: added definition for pervious paving to Section 217 P; added definition for rain gardens to Section 219 R; added definition for swale biofiltration and swale, vegetated or rock to Section 220 S; added definition for vegetated roof to Section 223 V

Article 5: General Provisions; amended Section 503 Performance Standards, Item 3 (adding language for green infrastructure); amended Section 511 Driveway and Curb Cuts, Item D (changed word “unto” to “into”) and Item F (added pervious paving); amended Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item E by added pervious paving, moving parking areas with 10 spaces into item F with additional language; amended Section 531 Landscaping and Screening, Item A (changed “registered” to licensed”) and Item F (added rain gardens)

The following is a brief synopsis of Ordinance Amendment Z15-08 adopted by City Council on August 4, 2015 and took effect on August 19, 2015.

Article 5: General Provisions; added Section 535 Keeping of Chickens or Ducks